

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:

Saint Elizabeth Medical Center, Inc., et al., v. AmerisourceBergen Drug Corp., et al., 18-op-46046; Baptist Healthcare System, Inc., et al., v. Amerisource Bergen, et al., 18-op-46058; West Boca Medical Center, Inc., v. AmerisourceBergen Drug Corp., et al., 18-op-45530; Southwest Mississippi Regional Medical Center, et al., v. AmerisourceBergen Drug Corp., et al., 17-op-45175; St. Vincent Charity Medical Center v. AmerisourceBergen Drug Corp., 18-op-45610.

MDL 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**MOTION FOR LEAVE OF HOSPITAL PLAINTIFFS TO
FILE SEPARATE RESPONSE TO DEFENDANTS'
BRIEFING ON VIABILITY OF PUBLIC NUISANCE CLAIMS NATIONWIDE**

In its order of December 31, 2018, this Court directed the parties to submit briefing addressing the viability of state nuisance claims. Doc. No. 1218 at 2. Defendants' briefing on this topic raised issues about the interpretation and application of public nuisance laws, in response to which the above-captioned Hospital Plaintiffs have an interest in stating their legal positions, particularly on the issues of the special injury suffered by the hospitals, the fact that the nuisance laws apply to opioids, and the proximate cause of Defendants' charged conduct to the financial injuries suffered by the Hospitals. The Hospital Plaintiffs will keep the text of their Response Brief to 12 pages, along with an Appendix listing "special"/"pecuniary" injury authority among the 50 states. The Hospital Plaintiffs further note that the Plaintiffs' Executive

Committee's initial briefing on nuisance (Doc. No. 1406) was only 23 pages, where 40 were allowed. Doc. No. 1218 at 2.

WHEREFORE, we request the Court permit the Hospital Plaintiffs to file the referenced Response Brief on behalf of the captioned plaintiffs.

Dated: March 28, 2019

Respectfully submitted,

/s/ Don Barrett

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CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2019, a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

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